



January 25, 2005

HOUSE BILL No. 1057

DIGEST OF HB 1057 (Updated January 24, 2005 12:21 pm - DI 96)

Citations Affected: IC 9-30.

Synopsis: Open alcoholic beverage containers. Creates exceptions to the law concerning open alcoholic beverage containers in motor vehicles. Makes it a Class D infraction for a person in the passenger compartment of a motor vehicle to possess an alcoholic beverage container: (1) that has been opened; (2) that has a broken seal; or (3) from which some of the contents have been removed. Removes the requirement that, in proving a violation of the open container law, the state must show that the driver of the motor vehicle had a minimum level of alcohol in the driver's blood or breath. Specifies that a violation of the open container law occurs while a motor vehicle is on the right-of-way of a public highway even if the vehicle is not in operation. Specifies that a violation of the open container law is not considered a moving traffic violation: (1) for purposes of the law concerning bureau of motor vehicles operating records; and (2) for which points are assessed by the bureau under the point system.

Effective: July 1, 2005.

Duncan, Stutzman

January 4, 2005, read first time and referred to Committee on Roads and Transportation.
January 24, 2005, amended, reported — Do Pass.

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HB 1057—LS 6540/DI 69+



January 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1057

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-15-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The operator of (a)~~
3 **This section does not apply to the following:**

4 (1) A container possessed by a person who is in the:

5 (A) passenger compartment of a motor vehicle designed,
6 maintained, or used primarily for the transportation of
7 persons for compensation; or

8 (B) living quarters of a house coach or house trailer.

9 (2) A container located in a fixed center console or other
10 similar fixed compartment that is locked.

11 (3) A container located:

12 (A) behind the last upright seat; or

13 (B) in an area not normally occupied by a person;
14 in a motor vehicle that is not equipped with a trunk.

15 (b) A person in a motor vehicle ~~who has an alcohol concentration~~
16 ~~equivalent to at least four-hundredths (0.04) gram of alcohol per one~~
17 ~~hundred (100) milliliters of the blood, or per two hundred ten (210)~~

HB 1057—LS 6540/DI 69+



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1 ~~liters of the breath, and who, while the motor vehicle is in operation~~
 2 ~~knowingly allows or while the motor vehicle is located on the~~
 3 ~~right-of-way of a public highway, possesses~~ a container:

4 (1) that has been opened;

5 (2) that has a broken seal; or

6 (3) from which some of the contents have been removed;

7 ~~to be~~ in the passenger compartment of the motor vehicle commits a
 8 ~~Class B Class D~~ infraction. If a person is found to have a previous
 9 ~~unrelated judgment under this section or a previous unrelated~~
 10 ~~conviction or judgment under IC 9-30-5 within twelve (12) months~~
 11 ~~before a violation that results in a judgment under this chapter, the~~
 12 ~~court may recommend the person's driving privileges be suspended for~~
 13 ~~not more than one (1) year.~~

14 (c) A violation of this section is not considered a moving traffic
 15 violation:

16 (1) for purposes of IC 9-14-3; and

17 (2) for which points are assessed by the bureau under the
 18 point system.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1057, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "locked glove compartment." and insert "**fixed center console or other similar fixed compartment that is locked.**".

Page 2, line 7, strike "Class B" and insert "**Class D**".

and when so amended that said bill do pass.

(Reference is to HB 1057 as introduced.)

DUNCAN, Chair

Committee Vote: yeas 12, nays 0.

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